

STATEMENT OF BASIS (AI No. 25395)

for draft Louisiana Pollutant Discharge Elimination System permit No. LA0118699 to discharge to waters of the State of Louisiana.

THE APPLICANT IS: Allied Shipyard, Inc.
Golden Meadow Facility
P.O. Box 1240
Larose, LA 70373

ISSUING OFFICE: Louisiana Department of Environmental Quality (LDEQ)
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

PREPARED BY: Gene Jarreau

DATE PREPARED: August 1, 2009

1. PERMIT STATUS**A. Reason For Permit Action:**

Permit reissuance of an Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term.

B. NPDES permit – NPDES permit effective date: N/A
NPDES permit expiration date: N/A
EPA has not retained enforcement authority.

C. LPDES permits – LA0118699
LPDES permit effective date: February 1, 2004
LPDES permit expiration date: January 31, 2009

LAR05N224 Reauthorization
LPDES permit reauthorization effective date: May 24, 2006
LPDES permit reauthorization expiration date: April 30, 2011

D. Date Application Received: June 12, 2008. Additional Information received in a June 24, 2008 e-mail.

2. FACILITY INFORMATION**A. FACILITY TYPE/ACTIVITY - vessel repair facility**

Allied Shipyard, Inc., Golden Meadow Facility, is an existing facility that repairs vessels. No vessel cleaning takes place at this facility. There is no ballast water generated. Stormwater discharges are covered by the Multi-Sector Storm Water General Permit authorization LAR05N224.

B. FEE RATE

1. Fee Rating Facility Type: minor
2. Complexity Type: I (Reduced from IV by use of the Interim Strategy for Complexity Designation Determinations for SIC Codes 3731 or 3732.)
3. Wastewater Type: III

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4. SIC code: 3731

C. LOCATION - 20837 LA Highway 1 South in Golden Meadow, Lafourche Parish
Latitude 29° 21' 11", Longitude 90° 14' 51"

3. OUTFALL INFORMATION

Outfall 001

Discharge Type: the intermittent discharge of treated sanitary wastewater

Treatment: mechanical

Location: at the point of discharge from the sewage treatment plant, located on the south end of the main office building, prior to mixing with other waters

Flow: 150 GPD (intermittent)

Discharge Route: by effluent pipe into Bayou Lafourche, thence into the Gulf of Mexico

4. RECEIVING WATERS

STREAM - Bayou Lafourche

BASIN AND SEGMENT - Barataria Basin, Segment 020403

DESIGNATED USES -

- a. primary contact recreation
- b. secondary contact recreation
- c. propagation of fish and wildlife
- d. oyster propagation

5. TMDL STATUS

Subsegment 020403, Bayou Lafourche – Yankee Canal and Flood Gate to Gulf Of Mexico (Estuarine), is not listed on LDEQ's Final 2006 303(d) List as impaired, and to date no TMDLs have been established. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by any future TMDLs.

6. CHANGES FROM PREVIOUS PERMIT

Outfall 001

Weekly Average Discharge Limitations have been changed to Daily Maximum Discharge Limitations, in accordance with current practices regarding treated sanitary wastewater discharges in individual permits (per LAC 33:IX.2709.D).

7. COMPLIANCE HISTORY/COMMENTS

A compliance history/DMR review was done covering the period of July 29, 2006 to July 29, 2009.

1. Compliance History –

Warning Letter MM-L-08-0035 was issued to the facility on September 22, 2008 due to areas of concern noted during inspections on March 20, 2008 and May 7, 2008, in response to a citizen's complaint. This Office received a letter of response on October 13, 2008, stating water found in the containment pan was from rain the night before.

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Consolidated Compliance Order & Notice of Potential Penalty MM-CN-08-0035 was issued to the facility on May 11, 2009 due to areas of concern noted during these same two inspections. In reference to this permit, MM-CN-08-0035 stated these inspections noted that the respondent failed to provide adequate secondary containment for diesel containers (the containment wall contained cracks throughout). MM-CN-08-0035 also stated that the respondent's failure to implement an adequate SPC plan is a violation of this permit (Part II, Section J.1.). Thirty days after receipt of MM-CN-08-0035, the respondent was told to submit a written report that includes circumstances of the violations and actions taken to achieve compliance. This Office received a letter of response on May 26, 2009, stating cracks in the containment wall had been fixed, and maintenance was being performed on a monthly basis (or when needed).

2. DMR Exceedances Reported –

Dates	Parameter	Outfall	Reported Value	Permit Limits
10/26/06	BOD ₅	001	58 mg/L	45 mg/L
10/26/06	TSS	001	56 mg/L	45 mg/L
12/14/06	BOD ₅	001	140 mg/L	45 mg/L
12/14/06	TSS	001	78 mg/L	45 mg/L
12/30/08	Fecal Coliform	001	>6,000 colonies/ 100 mL	43 colonies/ 100 mL

3. Inspections – The last water permit routine LDEQ Compliance Evaluation Inspection (CEI) was performed on August 24, 2007. The status was rated as compliant in all areas.

Please be aware that the Department has the authority to reduce monitoring frequencies when a permittee demonstrated two or more consecutive years of permit compliance. Monitoring frequencies established in LPDES permits are based on a number of factors, including but not limited to, the size of the discharge, the type of wastewater being discharged, the specific operations at the facility, past compliance history, similar facilities, and best professional judgment of the reviewer. We encourage and invite each permittee to institute positive measures to ensure continued compliance with the LPDES permit, thereby qualifying for reduced monitoring frequencies upon permit reissuance. If the Department can be of any assistance in this area, please do not hesitate to contact us. As a reminder, the Department will also consider an increase in monitoring frequency upon permit reissuance when the permittee demonstrates continued non-compliance.

8. EXISTING EFFLUENT LIMITS

Outfall 001, the discharge of treated sanitary wastewater

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations				Monitoring Requirements	
	Other Units				Measurement	Sample
	(lbs/day, UNLESS STATED) (mg/L, UNLESS STATED)					
	STORET	Monthly	Weekly	Monthly		
Code	Average	Average	Average	Average	Frequency	Type

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Flow-MGD	50050	Report	Report	---	---	1/6 months	Estimate
BOD ₅	00310	---	---	---	45	1/6 months	Grab
TSS	00530	---	---	---	45	1/6 months	Grab
Fecal Coliform							
colonies/100 ml (*1)	74055	---	---	---	43	1/6 months	Grab
pH Min/Max Values	00400	---	---	6.0 (*2)	9.0 (*2)	1/6 months	Grab
(Standard Units)				(Min)	(Max)		

9. ENDANGERED SPECIES

The receiving waterbody, Subsegment 020403 of the Barataria Basin is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U.S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated November 17, 2008 from Rieck (FWS) to Nolan (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

10. HISTORIC SITES

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

11. TENTATIVE DETERMINATION

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in the application.

12. PUBLIC NOTICES

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

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Rationale for Allied Shipyard, Inc.

1. **Outfall 001:** the intermittent discharge of treated sanitary wastewater

Pollutant	Limitation		Reference
	Monthly Avg.	Daily Max	
	mg/L		
Flow	Report-MGD	Report-MGD	LAC 33:IX 2707.1.1.b
BOD ₅		45	BPJ; LAG530000 and similar discharges
TSS		45	BPJ; LAG530000 and similar discharges
Fecal Coliform colonies/100mL		43	BPJ; LAG530000 and similar discharges
pH, s.u.	6.0 (min)	9.0 (max)	BPJ; LAG530000 and similar discharges

Treatment: mechanical (package treatment plant)

Monitoring Frequency: 1/6 months for all parameters, at the point of discharge from the sewage treatment plant, located on the south end of the main office building, prior to mixing with other waters.

Limits Justification: BPJ; the Class I Sanitary Discharge General Permit (LAG530000), Schedule B, Treated Sanitary Wastewater less than 5,000 GPD; similar discharges.

This facility is not subject to Effluent Limitations Guidelines for Transportation Equipment Cleaning, 40 CFR Part 442, because, in accordance with 40 CFR 442.1.a, "this part applies to discharges resulting from cleaning the interior of tanks used to transport chemical, petroleum or food grade cargos." This facility does not clean barges and vessels containing chemical, petroleum or food grade cargos as defined in 40 CFR 442.

Storm Water Pollution Prevention Plan (SWP3) Requirement

The facility's stormwater discharges are covered by the Multi-Sector Storm Water General Permit authorization LAR05N224. Vessel BMPs are comparable to the SWP3 requirements; therefore, vessel BMPs will be applied instead. Should the permittee terminate coverage under general permit authorization LAR05N224 during the life of this permit, the permittee shall request a modification to incorporate stormwater discharges into this permit.